

## **Assembly Bill No. 112**

### **CHAPTER 81**

An act to amend Sections 100001.5, 100161, 100163, and 100164 of the Public Utilities Code, relating to transportation.

[Approved by Governor August 5, 2009. Filed with  
Secretary of State August 6, 2009.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 112, Beall. Santa Clara Valley Transportation Authority.

Existing law, the Santa Clara Valley Transportation Authority Act, authorizes the Santa Clara Valley Transportation Authority to acquire and construct transportation facilities necessary or convenient for vehicular and pedestrian transportation, as specified.

This bill would also authorize the authority to provide for repair and maintenance of those facilities. The bill would authorize the authority to provide funding, subject to the Department of Transportation's approval, for repair and maintenance of state highways within its boundaries and would prohibit the authority from repairing and maintaining any state highway.

*The people of the State of California do enact as follows:*

SECTION 1. Section 100001.5 of the Public Utilities Code is amended to read:

100001.5. The Legislature hereby finds and declares:

(a) Since the formation of the Santa Clara County Transit District, unprecedented growth has occurred in the San Francisco Bay area and in Santa Clara County in particular. It has become apparent that additional measures are required in order to deal more effectively with the resultant serious traffic congestion and to foster the development of trade and the movement of people in and around the Santa Clara Valley and throughout the entire bay area.

(b) Transit and other modes of transportation are inextricably intertwined, and improvement and maintenance of the road and highway structure in conjunction and coordination with transit improvements are essential to optimize the ability of the authority to deal more effectively with serious traffic congestion.

(c) The Santa Clara Valley Transportation Authority, having been designated as the Congestion Management Agency for Santa Clara County, and already authorized to construct and improve state and local highways pursuant to Section 100115.5, is uniquely positioned to implement programs

to achieve the goal of a balanced approach to solving transportation problems.

(d) This goal is best achieved in Santa Clara County by vesting in the authority the ability to plan, design, construct, maintain, and repair road and highway improvements, as well as bicycle, pedestrian, and other transportation facilities, under the conditions set forth in this part.

SEC. 2. Section 100161 of the Public Utilities Code is amended to read:

100161. (a) The authority may acquire, construct, own, operate, control, or use rights-of-way, rail lines, buslines, stations, platforms, switches, yards, terminals, and any and all facilities necessary or convenient for transit service within or partly without the authority, underground, upon, or above the ground and under, upon, or over public streets or other public ways or waterways, together with all physical structures, including parking lots and day care centers and related child care facilities, that are necessary or convenient for the access of persons or vehicles thereto. The authority may acquire any interest in or rights to use or the joint use of any or all of those facilities.

(b) The authority may acquire, construct, and provide for repair and maintenance of any and all facilities necessary or convenient for vehicular and pedestrian transportation, within or partly without the boundaries of the authority, underground, upon, or above the ground, together with all physical structures, including parking lots and soundwalls, that are necessary or convenient therefor. In this connection, the authority may exercise any power with respect to highways granted to counties under Article 1 (commencing with Section 760) of Chapter 4 of Division 1 of the Streets and Highways Code in connection with any project included in the countywide transportation plan and an adopted regional transportation plan, but shall not usurp or impinge upon the powers and responsibilities granted to the county with regard to county highways. Highway and other transportation expenditures shall be consistent with adopted regional transportation plans and programs.

(c) Authority installations in freeways shall be subject to the approval of the Department of Transportation. Installations in other state highways shall be subject to Article 2 (commencing with Section 670) of Chapter 3 of Division 1 of the Streets and Highways Code. Installations in county highways and city streets shall be subject to similar encroachment permits.

(d) The authority shall not use any state transportation funds, including, but not limited to, money in the State Highway Account, or the Transportation Planning and Development Account, in the State Transportation Fund, and passenger rail and clean air bond act money to acquire, construct, or operate day care centers and related child care facilities.

SEC. 3. Section 100163 of the Public Utilities Code is amended to read:

100163. The board may contract with any public agency or person to provide transit or transportation facilities and services for the district.

SEC. 4. Section 100164 of the Public Utilities Code is amended to read:

100164. (a) The authority may construct and operate or acquire and operate transit works and facilities and may construct, acquire, and provide

for repair and maintenance of transportation facilities, in, under, upon, over, across, or along any state or public highway or any stream, bay or watercourse, or over any of the lands that are the property of the state, to the same extent that the rights and privileges appertaining thereto are granted to municipalities within the state.

(b) (1) Notwithstanding subdivision (a), and subject to the approval of the Department of Transportation, the authority may provide funding for the repair and maintenance of state highways within the boundaries of the authority.

(2) The authority shall not directly, or indirectly, except by providing funding pursuant to paragraph (1), repair or maintain any state highway.